

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA;)
the States of CALIFORNIA, COLORADO,)
CONNECTICUT, DELAWARE,)
FLORIDA, GEORGIA, HAWAII,)
ILLINOIS, INDIANA, IOWA,)
LOUISIANA, MARYLAND,)
MICHIGAN, MINNESOTA, MONTANA,)
NEVADA, NEW HAMPSHIRE,)
NEW JERSEY, NEW MEXICO,)
NEW YORK, NORTH CAROLINA,)
OKLAHOMA, RHODE ISLAND,)
TENNESSEE, TEXAS, and)
WASHINGTON; the Commonwealths of)
MASSACHUSETTS and VIRGINIA; and)
the DISTRICT OF COLUMBIA;)
ex rel. VALISURE LLC,)
Plaintiffs and Relator,)
v.)
GLAXOSMITHKLINE PLC, and)
GLAXOSMITHKLINE LLC,)
Defendants.)

Case No. 19-4239

FILED UNDER SEAL

**THE GOVERNMENT'S NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action

be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

The United States Department of Justice does not represent the Plaintiff States (California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington, and the District of Columbia); however, Assistant Attorney General Karl Sloan for the State of Washington, and Supervising Deputy Attorney General Quisteen Shum for the State of California, have advised undersigned counsel that all Plaintiff States wish to decline intervention pursuant to their respective state statutes.

The Maryland False Health Claims Act provides that “If the State does not elect to intervene and proceed with the action . . . before unsealing the complaint, the court shall dismiss the action.” Md. Code Ann., Health Gen, § 2-604 (a)(7). Accordingly, the State of Maryland requests that all claims asserted on behalf of the State of Maryland be dismissed without prejudice.

The Plaintiff States request that all pleadings and motions filed in this action, including supporting memoranda, be served upon each of them, and that all orders issued by the Court be

sent to each of them by Relator's counsel. The Plaintiff States further reserve their right to order any deposition transcripts and to move to intervene in this action, for good cause, at a later date, and to seek dismissal of Relator's action or claim. The Plaintiff States also request that the Plaintiff States be served with all notices of appeal, and that the action can only be settled and dismissed with the consent of the Plaintiff States.

Finally, the Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

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United States Attorney

Dated: March 11, 2024

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ORDER

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the Court rules as follows:

IT IS ORDERED that,

1. the complaint be unsealed and served upon the defendant by the relator;
2. all other contents of the Court's file in this action remain under seal and not be made public or served upon the defendant, except for this Order and The Government's Notice of

Election to Decline Intervention, which the relator will serve upon the defendant only after service of the complaint;

3. the seal be lifted as to all other matters occurring in this action after the date of this Order;

4. the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the Plaintiff States, as provided for in their states' *qui tam* statutes. The Plaintiff States may order any deposition transcripts and are entitled to intervene in this action, for good cause, at any time;

6. the parties shall serve all notices of appeal upon the United States and the Plaintiff States;

7. all orders of this Court shall be sent to the United States and the Plaintiff States;

8. should the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States and the States before ruling or granting its approval; and,

9. in accordance with the terms of the Maryland False Health Claims Act, Md. Code Ann., Health Gen, § 2-604 (a)(7), the State of Maryland having declined to intervene in this matter, all claims asserted on behalf of Maryland are hereby dismissed without prejudice.

DONE AND ORDERED in Chambers in Philadelphia, Pennsylvania this ____ day of _____, 2024.

BY THE COURT:

HONORABLE JOHN R. PADOVA
Judge, United States District Court